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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,908	04/19/2005	Johannes Boppel	W1.2132 PCT-US	3844

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EXAMINER
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HAUGLAND, SCOTT J

ART UNIT	PAPER NUMBER
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3654

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06/11/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,908	<b>Applicant(s)</b> BOPPEL ET AL.	
	<b>Examiner</b> Scott Haugland	<b>Art Unit</b> 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 34,39,41,43,45-49,53,55,57-59,61,63,65,67 and 69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34,39,41,43,45-49,53,55,57-59,61,63,65,67 and 69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

The drawings were received on 2/17/09. These drawings are accepted.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34, 39, 41, 43, 45-49, 53, 55, 57-59, 61, 63, 65, 67, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polkinghorne (U.S. Pat. No. 6,364,247) in view of either Helinski et al (U.S. Pat. No. 5,957,360) or Faust et al (U.S. Pat. No. 5,293,699) and further in view of Pulkowski et al (U.S. Pat. No. 5,082,533) and Eckert et al (U.S. Pat. No. 5,520,317).

Polkinghorne discloses a guide element of a web processing machine comprising: a rigid load bearing support 146 including a fluid-permeable support material having a circumferential outer support surface with a plurality of fluid openings 154 in it, a layer 130 of micro-porous, fluid permeable, open-pored material covering the load bearing support, and a plurality of micro-openings 140 in the coating of the micro-porous air permeable material.

Polkinghorne does not disclose that the layer of micro-porous, fluid permeable, open-pored material is sinter material and does not disclose means supporting the guide element adapted to be positioned in a selected one of at least first and second angular positions in respect to a direction of travel of the web.

Helinski et al teaches forming a fluid flow restricting layer 68 of an air cushion forming web guide of a sinter material.

Faust et al teaches forming a fluid flow restricting layer 34 of an air cushion forming web guide of a sinter material.

Assuming, arguendo, that the layer of micro-porous, fluid permeable, open-pored material covering the load bearing support in Polkinghorne is not a coating, Pulkowski et al teaches forming a sintered porous layer on a support by spray coating (col. 4, lines 50-65).

Eckert et al teaches mounting a guide element for web material on means supporting the guide element that is adapted to be positioned in a selected one of at least first and second angular positions in respect to a direction of travel of the web (see Fig. 4).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Polkinghorne with a layer of sinter material as taught by Helinski et al or Faust et al to restrict air flow with low noise generation. It would have been obvious to apply the sinter material by coating it on the load bearing support as taught by Pulkowski et al to improve manufacturing efficiency. It would have been obvious to use the web guide of Polkinghorne in a web turning apparatus having means

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supporting the guide element adapted to be positioned in a selected one of at least first and second angular positions in respect to a direction of travel of the web as taught by Eckert et al to simplify the turning bar structure over that in Eckert et al.

With regard to claims 41, 45, 48, 49, 53, 55, 57-59, 61, 63, and 69, it would have been a routine matter to determine suitable dimensions and values of the various claimed parameters to provide a suitable guide element for a particular type, thickness, and width of web having a particular range of tensions and speeds since the various dimensions and parameters affect the function of the guide in known, predictable ways. Polkinghorne and Pulkowski et al disclose pore diameters or sintered layer thicknesses in or overlapping the claimed ranges.

### ***Response to Arguments***

Applicants' arguments filed 2/17/09 have been fully considered but they are not persuasive.

Applicants argue that the micro-porous sheet 130 in Polkinghorne is not a coating as the term is described in applicants' specification. However, applicants do not define the term "coating" in the specification. There is no description of how the coating is formed. As noted by applicants, paragraph 034 of the specification recites that the material 06 is applied as a surface layer. The term "coating" as used in the specification does not distinguish over 130 in Polkinghorne which is applied as a surface layer.

Applicants argue that neither Helinski or Faust disclose coatings. However, the materials in Helinski and Faust can be applied to the support as a coating as in

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Polkinghorne or substituted for the micro-porous material in Polkinghorne or could be applied as a spray coating as taught by Pulkowski.

Applicants argue that the web guide in Eckert requires selective opening and closing of air ports when web guide is moved between selected positions. However, the teaching of making a web guide adjustable as suggested by Eckert does not require selective opening and closing of air ports to accomplish the purpose of adapting the guide for different web paths. The web guide in Polkinghorne is disclosed as operating with all air ports open whether or not web passes over them. The micro-porous coating prevents excessive pressure loss through surfaces not covered by the web as in applicants' apparatus.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571)272-6945. The examiner can normally be reached on Mon. - Fri., 10:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on (571) 272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/  
Supervisory Patent Examiner, Art Unit 3654

/SJH/  
6/3/09